

Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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2016 JUN - 3 A 11:13

TOWN CLERK
FRAMINGHAM

Town Clerk Stamp

Planning Board Members:

Christine Long, Chair
Lewis Colten, Vice Chair
Victor Ortiz, Clerk
Thomas F. Mahoney
Stephanie Mercandetti

Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator

TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Applications of William Ellingwood
for the Property located at
145 Meadow Street, Framingham, MA**

On May 2, 2016, William Ellingwood filed with the Planning Board, and on May 2, 2016, the Planning Board filed with the Town Clerk, for a special permit for land disturbance, to remove the existing earth berm. The property is located at 145 Meadow Street, zoned as Single Family Residential (R-1), and the Framingham Assessor's Parcel ID is 041-54-1988-00.

After the notice of the public hearing was published in "The MetroWest Daily News" on May 5, 2016 and May 12, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on May 23, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. A continued public hearing was held on June 2, 2016.

On June 2, 2016 the Planning Board **APPROVED** the application for a special permit for land disturbance for the property located at 145 Meadow Street and a **DECISION** was filed in the office of the Town Clerk on June 3, 2016.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

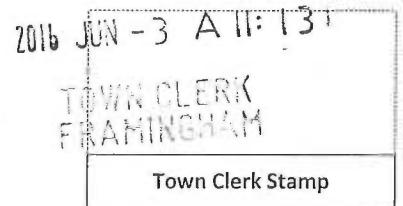
Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

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TOWN OF FRAMINGHAM - PLANNING BOARD

Notice of Decision

**Regarding the Applications of William Ellingwood
for the Property located at
145 Meadow Street, Framingham, MA**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of William Ellingwood for a special permit for land disturbance, to remove the earth berm. The property is located at 145 Meadow Street. The opening public hearing was held on May 23, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on May 5, 2016 and May 12, 2016. A continued public hearing was held on June 2, 2016. The Planning Board APPROVED said application on June 2, 2016 and the decision was filed in the Office of the Town Clerk on June 3, 2016. For additional information please see the Planning Board's webpage at www.framinghamma.gov.

Christine Long, Chair

FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

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Planning Board Members:

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DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 145 MEADOW STREET

DECISION DATED JUNE 2, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-013-16
Property Address: 145 Meadow Street
Assessor's Information: 041-54-1988-00
Zoning District: Single Family Residential (R-1)

Application Information

Application(s): Special Permit Land Disturbance
Sections of the Framingham Zoning By-Law under review: Special Permit Land Disturbance, Section V.F
Date application(s) were filed with the Planning Board: May 2, 2016
Date application(s) were filed with the Town Clerk: May 2, 2016

General Project Contact Information

Applicant Name: William Ellingwood
Applicant Address: 145 Meadow Street, Framingham, MA 01701
Landowner Name: Ellingwood Realty Trust
Landowner Address: 145 Meadow Street, Framingham, MA 01701
Project Contact Name: Brian Nelson, MetroWest Engineering, Inc.
Engineer Name: Brian Nelson
Engineer Company: MetroWest Engineering, Inc., 75 Franklin Street, Framingham, MA

Legal Ad & Public Hearing Information

MetroWest Daily News run dates of the Legal Ad: (14 days prior) May 5, 2016 and (7 days prior) May 12, 2016
Date of abutter/7 Abutting municipality/parties of interest mailing: May 3, 2016
Date of opening public hearing: May 23, 2016
Date(s) of continued public hearings: June 2, 2016
Applicant's Representatives in attendance at the Public Hearing(s): William Ellingwood, Applicant and Brian Nelson, MetroWest Engineering, Inc.
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice Chair, (absent on May 23, 2016, filed the Mullin Rule form with the Town Clerk on May 27, 2016), Victor Ortiz, Clerk, Thomas Mahoney (absent on June 2, 2016), and Stephanie Mercandetti

Planning Board Approval Information

Date of Plan Approved by the Planning Board: April 21, 2016, revised on June 1, 2016

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Planning Board Members:

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DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 145 MEADOW STREET

DECISION DATED JUNE 2, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

General Property Information

Project Number: PB-013-16
Property Address: 145 Meadow Street
Assessor's Information: 041-54-1988-00
Zoning District: Single Family Residential (R-1)

Application Information

Application(s): Special Permit Land Disturbance
Sections of the Framingham Zoning By-Law under review: Special Permit Land Disturbance, Section V.F
Date application(s) were filed with the Planning Board: May 2, 2016
Date application(s) were filed with the Town Clerk: May 2, 2016

General Project Contact Information

Applicant Name: William Ellingwood
Applicant Address: 145 Meadow Street, Framingham, MA 01701
Landowner Name: Ellingwood Realty Trust
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Project Contact Name: Brian Nelson, MetroWest Engineering, Inc.
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Planning Board Approval Information

Date of Plan Approved by the Planning Board: April 21, 2016, revised on June 1, 2016

PROJECT DESCRIPTION

On March 27, 2013 the Planning Board granted a Special Permit for Land Disturbance Decision under Section IV.H.2 of the January 2013 Framingham Zoning By-Law for the purposes constructing an earth berm. The construction of the earth berm was to provide a vegetated noise barrier to the adjacent residential developments. Condition 20 of the March 27, 2013 Planning Board decision requires the Applicant to seek a Special Permit for Land Disturbance for the removal of the earth berm. The Applicant is in the process of closing the Asphalt, Brick, and Concrete (ABC) recycling facility business in accordance with the Town's requirements and agreement with the Applicant.

The dismantling of the earth berm will require 8,500 cubic yards of material to be trucked off-site. Approximately 25 cubic yards of the earth berm will be kept on-site and used as base grading material in preparation for the new 10-lot residential subdivision.

HEARING

The Framingham Planning Board held a total of two public hearings during the review of the Project located at 145 Meadow Street. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair, Lewis Colten, Vice Chair, (absent on May 23, 2016, filed the Mullin Rule forms with the Town Clerk on May 27, 2016), Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: William Ellingwood, Applicant and Brian Nelson, MetroWest Engineering.

Summary of Meeting Minutes

Mr. Nelson provided historical and zoning overview of the property. Mr. Nelson presented the site plans, and referenced the conditions of the 2013 Planning Board Decision relative to the removal of the berm located on the southeast corner of the property.

The Planning Board Administrator provided a brief review of the project, comments/questions made during the Technical Review Team meeting, and the history of the original Land Disturbance permit. The Planning Board No comments were made on the land disturbance part of the application.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings from the application and public hearing process resulted in the development of the conditions contained within this Decision.

FINDINGS

Having reviewed the application filed by the Applicant, all plans and reports filed by the Applicant and its representatives, having considered the correspondence from Department of Public Works, Framingham Fire Department, Department of Inspectional Services (Building & Wire), and Framingham Police Department within the Town of Framingham that have reviewed the Project, having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law,

including the requirements of Sections V.F. of the Framingham Zoning By-Law. Specifically, the Planning Board makes the following findings:

Special Permit Land Disturbance, Section V.F. of the Framingham Zoning By-Law

Pursuant to Condition 20 of the March 27, 2013 Planning Board Decision:

The Applicant shall be required to remove the berm to grade level and restore the site with appropriate landscaping upon termination of operations at the site. The Applicant shall provide a bond, letter of credit, cash escrow or tripartite agreement, in form satisfactory to the Planning Board and Town Counsel, equal to 50 percent of the value of the material used within the berm to ensure that the berm is removed upon termination of operations. Applicant shall be responsible for obtaining all required permits and approvals for removal of the berm, and for removing the berm to grade level and restoring the site with appropriate landscaping, within six months of termination of operations at the site. If the Applicant submits an application to the Planning Board for removal of the berm as required by then applicable by-laws, and the Planning Board denies the application, then the Applicant will be deemed to have complied with the requirements of this condition.

As required by the Town through its requirements for the closure of ABC recycling facility business, the Applicant shall dismantle the earth berm by September 1, 2016, of which a portion of the materials may remain on-site for the construction of the residential subdivision. The removal of the earth berm is in preparation of a 10-lot subdivision plan. The removal of the earth berm will commence prior to the construction of the 10-lot subdivision.

Section V.F.e.(1) of the Framingham Zoning By-Law: Site Management and Control

The Applicant has provided an Erosion Control Measures and General Site Maintenance narrative that outlines the proper inspections and maintenance of erosion controls, general housekeeping, and maintenance activities that shall be conducted on a regular basis.

The duration of the removal is estimated to take approximately 14 weeks:

- Install Erosion Controls (duration of 1 week),
- Dismantle Berm (duration of 4 weeks),
- Remove Material Stockpiles (duration of 4 weeks),
- Rough Grading for Subdivision (duration of 3 weeks), and
- Final Site Cleanup (duration of 2 weeks).

The project proposes to utilize Best Management Practices (BMPs) throughout construction.

Section V.F.e.(2) of the Framingham Zoning By-Law: Control of Stormwater Runoff

145 Meadow Street and surrounding areas are comprised of highly permeable, glacial outwash soils. In accordance with this type of soils there is typical very little runoff generated. The removal of the earth berm is not expected to alter the existing drainage patterns and/or increase the rates and/or volumes of runoff generated by the site. Once the earth berm is removed, the site will be flat and will further minimize the runoff to abutting properties. The removal of the earth berm is part of the preparation of

a 10-lot residential subdivision. It is expected that the stormwater BMPs will be used for both parts of the project (removal of the earth berm and construction of the subdivision).

The Applicant proposed a stormwater management system for the purposes of the 10-lot residential subdivision. The stormwater management system will contain a deep sump catch basin and proprietary Best Management Practices (BMPs) units for the capture and treatment of run-off from the proposed roadways.

Section V.F.e.(3) of the Framingham Zoning By-Law: Protection of Natural Features and Vegetation

Given the use of the land as an ABC recycling facility, the property is not anticipated to contain any endangered species, wildlife habitats and/or corridors, natural landscaped features, and/or scenic vistas. Furthermore, has limited landscaping and large trees. A majority of the plantings are associated with the earth berm and the side/rear buffer plantings.

Section V.F.e.(4) of the Framingham Zoning By-Law: Protection of Historic Resources

The site does not contain any historic resources that include historic landscaped features, buildings, structures, objects, stone walls, foundations, and/or designed landscapes and gardens.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws that include Special Permit for Land Disturbance (Section V.F and VI.E) pursuant to the Framingham Zoning By-Laws to approve the project as modified during the public hearing process. Said approval from the Planning Board is subject to the following conditions:

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given not less than a 48-hour written notice. If activity on the Property ceases for longer than 30 days, not less than a 48-hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any Building Department permit associated with the removal of the earth berm, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.

6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 40A, Section 17. The Applicant will submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for a Special Permit for Land Disturbance shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the Framingham Zoning By-Laws and/or the terms of this Decision may result in revocation of the permit for a Special Permit for Land Disturbance issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-Law, the Planning Board Rules & Regulations, and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

Site Construction

11. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
12. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the

start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.

13. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
14. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.
 - a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
 - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
 - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
15. The Developer's Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.
16. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.

Environment

17. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
18. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
19. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
20. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
21. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.

Framingham Department Review

22. The Applicant shall comply with all directives requested in the correspondence from the Fire Department dated May 2, 2016.
23. The Applicant shall comply with the correspondence received in the letter of comment from the Department of Public Works, RE: Special Permit Land Disturbance - #145 Meadow Street, Framingham, dated May 23, 2016.

Special Provisions/Periodic Conformance Reporting and Review

24. The Applicant shall remove the earth berm in accordance with this Decision and the timeline set forth by the Town for the cease of operation and closure plan. The earth berm shall be removed no later than September 1, 2016 and only 25 cubic yards may be retained on-site for the purposes of use by the residential subdivision.

WAIVERS

The Applicant request waivers from the following Special Permit for Land Disturbance (Section V.F. of the Framingham Zoning By-Law) requirements:

Section V.F.d.(1)(h) Submission of a scaled landscape plan that delineates on a single sheet the existing vegetation both on the Lot and in the right-of-way, the vegetation to be removed or relocated, the re-vegetation and the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. Include a planting plan to ensure permanent re-vegetation of the site except for Disturbed Areas that will be covered by gravel, hardcape, or a building or structure. If applicable, include:

- Section V.F.d.(1)(h)(i). Upland vegetation communities, including trees, shrub layer, ground cover and herbaceous vegetation.
- Section V.F.d.(1)(h)(ii). Size and height of trees, of Specimen Trees and/or significant forest communities.
- Section V.F.d.(1)(h)(iii). Location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program.
- Section V.F.d.(2).g. A narrative documenting the species and quantities of Specimen Trees and/or other vegetation to be removed or relocated within the project area.
- Section V.F.d.(2).h If applicable, include a statement prepared by a certified arborist for the proposed relocation of any existing Specimen Tree explaining how said tree is to be relocated and maintained.

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting the request for waivers from Sections V.F.d(1)(h), V.F.d.(1)(h)(i), V.F.d.(1)(h)(ii), V.F.d.(1)(h)(iii), V.F.d.(2)(g), and V.F.d.(2)(h) the Framingham Zoning By-Law for the purposes outlined in the Applicants request for Waiver Narrative, for the property located at 145 Meadow Street, zoned Single Family Residential (R-1).

Request for Waivers

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Stephanie Mercandetti.....yes

VOTES

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting approval for the Special Permit for Land Disturbance pursuant to Section V.F and VI.E of the Framingham Zoning By-Law for the purposes of removing the earth berm, in accordance with the March 27, 2013, Condition #20 and conditioned herein, for the property located at 145 Meadow Street, zoned Single Family Residential (R-1).


Special Permit for Land Disturbance, Section V.F and VI.E of the Framingham Zoning By-Law

Christine Long.....yes

Lewis Colten.....yes

Victor Ortiz.....yes

Stephanie Mercandetti.....yes

By: 
Christine Long, Chair, Framingham Planning Board

Date of Signature:

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, 145 Meadow Street, stamped with the Town Clerk on May 2, 2016, Project Number: PB-013-16
2. Form J – Special Permit for Land Disturbance Application, 145 Meadow Street, stamped with the Town Clerk on May 2, 2016, Project Number: PB-013-16
3. Land Disturbance Permit Application Narrative, Project Location: 145 Meadow Street, Framingham, MA 01701, submitted as part of the application package.
4. Waivers Requests – Land Disturbance Permit Application, Project Location: 145 Meadow Street, Framingham, MA, submitted as part of the application package.
5. Site Plan, Land Disturbance Application, Proposed Site Plan, #145 Meadow Street, prepared for Ellingwood Realty Trust, prepared by MetroWest Engineering, Inc., dated April 21, 2016
6. Site Plan, Preliminary Subdivision Plan, #145 Meadow Street, prepared for Ellingwood Realty Trust, prepared by MetroWest Engineering, Inc., dated April 26, 2016, revised on June 1, 2016

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Land Disturbance Checklist for Application Submittal, Project: 145 Meadow Street, dated April 29, 2016, stamped with the Town Clerk on May 2, 2016
2. Framingham Police Department, correspondence received via ACCELA on May 12, 2016
3. Department of Inspectional Services (Building & Wire), correspondence received via ACCELA on May 13, 2016
4. Fire Department, correspondence received via ACCELA on May 24, 2016
5. Letter of comment from the Department of Public Works, RE: Special Permit for Land Disturbance - #145 Meadow Street, Framingham, dated May 23, 2016
6. Letter of comment from the Department of Public Works, RE: Special Permit for Land Disturbance - #145 Meadow Street, Framingham, dated June 2, 2016